

SC NAACP v. Alexander,
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

Exhibit B

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

-----x

4 THE SOUTH CAROLINA STATE
5 CONFERENCE OF THE NAACP

6 and

7 TAIWAN SCOTT, ON BEHALF OF HIMSELF
8 AND ALL OTHER SIMILARLY SITUATED
PERSONS,

Case No.
3:21-CV-03302
JMC-TJH-RMG

9 Plaintiffs,

10 Vs.

11 THOMAS C. ALEXANDER, IN HIS OFFICIAL
12 CAPACITY AS PRESIDENT OF THE SENATE;
13 LUKE A. RANKIN, IN HIS OFFICIAL CAPACITY
14 AS CHAIRMAN OF THE SENATE JUDICIARY
15 COMMITTEE; MURRELL SMITH, IN HIS OFFICIAL
16 CAPACITY AS SPEAKER OF THE HOUSE OF
17 REPRESENTATIVES; CHRIS MURPHY, IN HIS
18 OFFICIAL CAPACITY AS CHAIRMAN OF THE
19 HOUSE OF REPRESENTATIVES JUDICIARY
20 COMMITTEE; WALLACE H. JORDAN, IN HIS
21 OFFICIAL CAPACITY AS CHAIRMAN OF THE HOUSE
OF REPRESENTATIVES ELECTIONS LAW
SUBCOMMITTEE; HOWARD KNAPP, IN HIS
OFFICIAL CAPACITY AS INTERIM EXECUTIVE
DIRECTOR OF THE SOUTH CAROLINA STATE
ELECTION COMMISSION; JOHN WELLS, JOANNE
DAY, CLIFFORD J. EDLER, LINDA MCCALL,
AND SCOTT MOSELEY, IN THEIR OFFICIAL
CAPACITIES AS MEMBERS OF THE SOUTH
CAROLINA STATE ELECTION COMMISSION,

Defendants.

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22 STENOGRAPHIC REMOTE VIRTUAL DEPOSITION
23 CHARLES TERRENI
24 Tuesday, August 16, 2022
25

1 TERRENI

2 always have to be. I assume you can
3 comply with Section 2 without having
4 to consider race as the predominant
5 factor but it could be.

6 Q. What about remedying
7 historical discrimination, has that
8 been recognized as a compelling
9 state interest?

10 A. It may have been recognized
11 as a compelling state interest but
12 in the current redistricting
13 framework, as I understand it,
14 unless it's expressed through the
15 Voting Rights Act it wouldn't in and
16 of itself be -- I don't know there
17 would be a compelling state interest
18 for using race as the predominant
19 factor in redistricting. I never
20 really had to encounter that.

21 Q. If staff was instructed not
22 to consider race during
23 congressional redistricting, who
24 would have made that decision on
25 behalf of the Senate?

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TERRENI

MR. GORE: Again, I'm just going to object to the extent this calls for attorney-client communications. And the witness can answer to the extent he can do so without divulging confidential or privileged information.

A. Well, the question is if staff were considered -- were instructed not to consider race in redistricting who would have instructed staff in that fashion, is that -- did I restate your question fairly?

Q. Yes.

A. Well, I don't think anybody could have instructed staff in that regard better than the chairman or the subcommittee and the vote if that guidance was given. However, if that guidance were given, it would have been given by counsel, me, Mr. Gore, Mr. Fiffick.

Q. Are you aware whether